

### **REMARKS**

In the Outstanding Action, the Examiner rejected claims 1-16. Claims 1, 3, 4, 10 and 13 are amended. Claims 1-16 are now pending and submitted for consideration. Support for the amendments may be found throughout the specification of the original application. The following remarks are submitted as a full and complete response to the Outstanding Action.

#### **Section 102 Rejections: Muto**

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Muto. (JP 60-55576A).

#### **Claim 1**

Muto discloses a disk cleaning device to remove the dust attached to the disk by providing cleaning air through a fan. In the present application, claim 1 recites a disc data reading apparatus having a tray, a housing and a cover to prevent a possible cracked disc from jetting out. It is clear that Muto's disclosure focuses on different objective compared to the present application.

Further in the claim 1, the tray has a recess for receiving a disc and the tray moves in and apart from the housing through an opening of the cover. Referring to the FIG 1 in Muto, the recess of the tray (24) is much smaller than the disc (14). It is apparent to those who skilled in the art that the recess is unable to "receive" the disk. Further, the tray (24) in Muto is mounted on an elevating unit (26) and is unable to move in and apart from the housing through the opening of the cover.

Claim 1 of the present application further recites a cover including a first portion and a second portion. The second portion is longer than the first portion, and at least a part of the second portion extends into the housing to form a barrier portion facing and substantially parallel to the tray. Contrarily, the second portion in Muto is shorter than the first portion to achieve its inventive objective. Further, it is clear from FIG. 1 in Muto that the second portion is located in front of the upper plate (10) and neither extend into the housing nor faces the tray. The second portion in Muto further upwardly extends a large distance to form the element indicated as bent portion in the Outstanding Action. Thus, Muto also fails to disclose a second portion parallel to the tray to prevent the cracked disc from jetting out.

Based on the above discussion, Muto fails to disclose, teach, or suggest at least the above features of present invention. Accordingly, Applicants submit that the amended independent claim 1 satisfies the patentability requirement and is allowable.

#### Claim 10

Claim 10 discloses a disc data reading apparatus having a tray, a housing and a cover to prevent a possible cracked disc from jetting out. The tray has a recess for receiving a disc and the tray moves in and apart from the housing through an opening of the cover. Similar to the above discussion for claim 1, Muto fails to disclose a recess for receiving the disc and a tray moving in and apart from the housing through the opening of the cover.

Further in claim 10, the cover includes a first portion and a second portion. The first portion is connected to the front flange of the housing and at least part of the second portion extends into the housing to form a barrier portion having a sharp end. The sharp end of the barrier portion has a guidance surface upwardly sloping at a predetermined angle to upwardly

guide a movement of a possible cracked disc and prevent the cracked disc jetting out from the opening. The second portion in Muto is located in front of the upper plate (10) and does not extend into the housing. It is clear from the FIG. 1 in Muto that the barrier portion does not include a sharp end. Further, it is clear that the guiding surface downwardly sloped in Muto will guide a possible cracked disc downwardly toward the opening (12a). Therefore, the apparatus in Muto does not prevent a possible cracked disc from jetting out.

Accordingly, Applicants submit that the amended independent claim 10 satisfies the patentability requirement and is allowable.

### Claim 13

Claim 13 discloses a disc data reading apparatus having a tray, a housing and a cover to prevent a possible cracked disc from jetting out. The tray includes a recess for receiving a disc and the tray moves in and apart from the housing through an opening of the cover. Similar to the above discussion for claim 1, Muto fails to disclose a recess for receiving the disc and a tray moving in and apart from the housing through the opening of the cover.

Further in claim 13, the cover includes a first portion and a second portion. The first portion is connected to the front flange of the housing and at least part of the second portion extends into the housing to form a barrier portion. The housing includes an upper plate parallel to the tray and the upper plate has a bent portion and a front flange. The bent portion downwardly extends from the upper plate. The barrier of the cover has a clasp engaging with the bent portion of the upper plate to provide an additional supporting force. It is clear from FIG. 1 in Muto that the upper plate does not include a bent portion downwardly extended. Referring to page 3 of the Outstanding Action, the element indicated as a bent portion is actually

extended from the cover itself. The clasp of the second portion of the cover in Muto is unable to engage with the element extending from the cover itself. In addition, the second portion in Muto is located in front of the upper plate (10) and does not extend into the housing. Therefore, Muto fails to disclose a clasp of the barrier portion engaging with the bent portion of the upper plate to provide an additional supporting force. The guiding surface downwardly sloped in Muto will guide a possible cracked disc downwardly toward the opening (12a). Therefore, Muto fails to disclose a guiding surface upwardly sloped and does not prevent a possible cracked disc from jetting out.

Accordingly, Applicants submit that the amended independent claim 13 satisfies the patentability requirement and is allowable.

Claims 2-9, 11-12 and 14-16 respectively depend directly or indirectly on allowable claims 1, 10, 13 and include further features. Therefore these claims should be additionally allowable.

**Section 102 Rejections: Shimomichi**

Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimomichi (JP 2001-236775A).

Claim 1 recites a disc data reading apparatus having a tray, a housing and a cover to prevent a possible cracked disc from jetting out. The tray has a recess for receiving a disc and the tray moves in and apart from the housing through an opening of the cover. The cover includes a first portion and a second portion. The second portion is longer than the first portion, and at least part of the second portion extends into the housing to form a barrier portion facing

and substantially parallel the tray. Contrarily, the second portion in Shimomichi is shorter than the first portion to achieve its inventive objective, and Shimomichi fails to disclose at least part of the second portion extends into the housing to form a barrier portion facing and substantially parallel the tray.

Accordingly, Applicants submit that the amended independent claim 1 satisfies the patentability requirement and is allowable.

Claims 2-3, 6 and 7 respectively depend directly or indirectly on an allowable claim 1 and include further features. Therefore these claims should also be allowable.


**CONCLUSIONS**

In light of the above amendments and remarks, Applicants respectfully submit that all pending Claims 1-16 are in condition for allowance, and respectfully request the withdrawal of the rejections. Accordingly, a Notice of Allowance is respectfully requested.

Respectfully submitted,

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